

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE:) BANKRUPTCY CASE
)
JOHN S. VON HELMS,) NO.: 15-40961
)
Debtor.) CHAPTER 13
)
) JUDGE: A. BENJAMIN GOLDGAR
) (Lake)

**NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC
STAY**

PLEASE TAKE NOTICE THAT that on August 7, 2020 at 9:30am, I will appear before the Honorable Judge A. Benjamin Goldgar, or any judge sitting in that judge's place, and present the motion of Bayview Loan Servicing, LLC for Relief from the Automatic Stay, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.CourtSolutions.com or by calling Court Solutions at (917) 746- 7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

I, the undersigned Attorney, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on July 30, 2020, at 5:00 p.m.

McCalla Raymer Leibert Pierce, LLC

/s/Kinnera Bhoopal

Kinnera Bhoopal
ARDC# 6295897
1 N. Dearborn Suite 1200
Chicago, IL 60602
(312) 346-9088

SERVICE LIST

To Trustee:

Glenn B Stearns
801 Warrenville Road Suite 650
Lisle, IL 60532

by Electronic Notice through ECF

To Debtor:

John S. Von Helms
27839 W. Big Hollow Road
Ingleside, IL 60041

Served via U.S. Mail

To Co-Debtor:

Dixie R. Von Helms
27839 West Big Hollow Road
Ingleside, IL 60041

Served via U.S. Mail

To Attorney:

David M Siegel
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, IL 60090

by Electronic Notice through ECF

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**MOTION TO MODIFY THE AUTOMATIC STAY AND CO-DEBTOR
STAY AND MOTION TO DISMISS**

NOW COMES Bayview Loan Servicing, LLC by and through its attorneys, McCalla Raymer Leibert Pierce, LLC, and requests that the Automatic Stay and Co-Debtor Stay heretofore entered on the property located at 27839 West Big Hollow Road, Ingleside, Illinois 60041 be Modified or alternatively that the above captioned Chapter 13 be dismissed, stating as follows:

1. On December 2, 2015, the above captioned Chapter 13 was filed.
2. On June 10, 2016, the above captioned Chapter 13 was confirmed.
3. Bayview Loan Servicing, LLC services the first mortgage lien on the property located at 27839 West Big Hollow Road, Ingleside, Illinois 60041.
4. The Plan calls for the Debtor to be the disbursing agent for the post-petition mortgage payments directly to Bayview Loan Servicing, LLC. Post-petition payments are \$3,449.30.
5. As of July 7, 2020, the post-petition mortgage payments are due and owing for May 1, 2020. The default to Bayview Loan Servicing, LLC is approximately \$7,595.04 through July 2020, including a suspense of \$2,752.86.

6. Attorney's fees and costs for this motion are due in the amount of \$1,231.00.
7. The plan is in material default.
8. Bayview Loan Servicing, LLC also seeks to modify the stay as to co-debtor Dixie R. Von Helms pursuant to 11 U.S.C. §1301(a).
9. Bayview Loan Servicing, LLC continues to be injured each day it remains bound by the Automatic Stay.
10. Bayview Loan Servicing, LLC is not adequately protected.
11. The property located at 27839 West Big Hollow Road, Ingleside, Illinois 60041 is not necessary for the Debtor's reorganization.
12. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(A)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay and Co-Debtor Stay on the property located at 27839 West Big Hollow Road, Ingleside, Illinois 60041, be modified and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, or alternatively that the above captioned Chapter 13 be dismissed, and leave be granted to Bayview Loan Servicing, LLC to proceed with non-bankruptcy remedies including foreclosure, and for such other and further relief as this Honorable Court deems just.

McCalla Raymer Leibert Pierce, LLC

By: /s/Kinnera Bhoopal
Kinnera Bhoopal
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